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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 REX L. POPE,

11 Petitioner,

12 v.

13 MAGGIE MILLER-STOUT,

14 Respondent.

CASE NO. C09-5209RBL

REPORT AND
RECOMMENDATION

Noted for June 26, 2009

15 The underlying Petition for a Writ of Habeas Corpus has been referred to United States
16 Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and 636 (b)(1)(B),
17 and Local Magistrate Judge's Rule MJR3 and MJR4. Petitioner is seeking federal habeas relief,
18 pursuant to 28 U.S.C. § 2254, from June 26, 2006, felony convictions arising out of Clallam
19 County, Washington. Petitioner was sentenced to serve 77 months in prison (Dkt. # 1 proposed
20 petition.
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22 **FACTUAL AND PROCEDURAL BACKGROUND**

23 On April 17, 2009 the Clerk's Office sent Mr. Pope a letter informing him that he needed
24 to provide service copies of his petition (Dkt. # 2). The letter gave Mr. Pope until May 18, 2009,
25 to provide those documents. The letter further informed Mr. Pope that his petition may be
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1 subject to dismissal if the copies were not received. As of June 2, 2009, no service documents
2 have been filed.

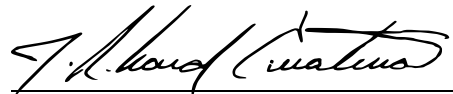
3 DISCUSSION

4 It appears Petitioner has abandoned this litigation. He has failed to provide service
5 copies when requested to do so.

6 CONCLUSION

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8 Based on the foregoing discussion, the Court should dismiss this matter without prejudice
9 for failure to prosecute. Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules
10 of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written
11 objections. *See also* Fed.R.Civ.P. 6. Failure to file objections will result in a waiver of those
12 objections for purposes of appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the
13 time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on **June**
14 **26, 2009**, as noted in the caption.

15 Dated this 2nd day of June, 2009.

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19 J. Richard Creatura
20 United States Magistrate Judge
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